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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/543,059	07/21/2005	Shin Kikuchi	273842US2PCT	3899
22850	7590	09/18/2008		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER ALGAHAIM, HELAL A	
			ART UNIT 3663	PAPER NUMBER
			NOTIFICATION DATE 09/18/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/543,059	Applicant(s) KIKUCHI ET AL.	
	Examiner HELAL A. ALGAHAIM	Art Unit 3663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/21/2005; 11/17/2006; 4/23/2007; 05/29/2007 and</u> | 6) <input type="checkbox"/> Other: _____ |
| <u>10/09/2007.</u> | |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims **1, 2, 6 and 8** are rejected under 35 U.S.C. 102(b) as being anticipated by **Arai (JP 2002310720)**.

Note: Examiner used prior art translation, provided by applicant for citation.

Regarding claim 1, 6 and 8: A navigation apparatus comprising:

1. a route acquiring unit that acquires a route that connects a departure place and a destination, the route including a plurality of section routes for which different kinds of transportations are used; a guiding unit that performs a guidance based on the route acquired by the route acquiring unit; and a guidance controller that receives an instruction whether to perform the guidance for each of the section routes, and controls the guiding unit to perform the guidance for a section route for which an instruction to perform the guidance is received. **(see page 1, lines 9-25 and page 2, lines1-8)**

Regarding claim 2: The navigation apparatus according to claim 1, wherein the guidance controller displays soft buttons for issuing the instruction to perform the guidance for each of the section routes **(see page 2, lines 10-25)**.

Art Unit: 3663

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Claim Rejections - 35 USC § 102

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims **3-5, 7 and 9** are rejected under 35 U.S.C. 102(e) as being anticipated by **Rafiah et al (Pub. No.: US 2003/0109266)**.

Regarding claim 3, 7 and 9: A navigation apparatus comprising:

a route acquiring unit that acquires a route that connects a departure place and a destination, the route including a first section-route for which a first transportation is used and a second section-route for which a second transportation is used (**see at least abstract**).

a guiding unit that performs a guidance based on the route acquired by the route acquiring unit (**see at least page 1, paragraph 0001**).

a guidance controller that receives an instruction whether to perform the guidance for the first section-route, and controls the guiding unit to perform the guidance for a section route for which an instruction to perform the guidance is received, whereas not to perform the guidance for the second section-route (**see at least page 9, paragraph 0118**).

Art Unit: 3663

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims **4 and 5** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Rafiah et al (Pub. No.: US 2003/0109266) in view of Asai et al (Patent No.: 6421606)**.

Regarding claim 4 and 5: The navigation apparatus according to claim 3, wherein a public transportation system is used as the second transportation for the second section-route (see page 6, paragraph 0078), **Rafiah et al do not explicitly disclose** a transportation including a traveling on foot other than the public transportation system is used as the first transportation for the first section-route. **However, Asai et al discloses this limitation, see at least col. 4, lines 16-22. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the feature taught by JP 9-115086 in Rafiah et al apparatus to find an optimal route.**

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELAL A. ALGAHAIM whose telephone number is (571)270-5227. The examiner can normally be reached on Monday - Friday from 7:30 AM to 5:00PM.

Art Unit: 3663

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack W. Keith can be reached on 571-272-6878. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/H. A. A./
Examiner, Art Unit 3663

/Jack W. Keith/
Supervisory Patent Examiner, Art Unit 3663